

FILED
CHARLOTTE, NC

JUN 25 2010

U.S. DISTRICT COURT
WESTERN DISTRICT OF NC



North Carolina Western
MEMORANDUM

Date: June 17, 2010

To: The Honorable Robert J. Conrad, Jr
Chief U.S. District Court Judge

From: Shaun K. Caldwell
U.S. Probation Officer

Subject: Request for Permission to Travel Outside of the United States
The United States vs. Kenneth L. Roth
DktNo.: 3:06CR3-01

This memorandum is in reference to the above-mentioned defendant who on March 27, 2006 was sentenced by Your Honor for False Tax Return; in violation of 26 U.S.C. § 7206(1) and Health Care Fraud; in violation of 18 U.S.C. § 1347. Your Honor imposed a sentence of twenty-four (24) months imprisonment to be followed by a term of thirty-six (36) months supervised release to follow. Additionally, as part of this judgment, Your Honor imposed the following special conditions: (1) The defendant shall file tax returns with the IRS as required and provide the U.S. Probation Office with proof of same; (2) The defendant shall cooperate with the IRS to pay all outstanding taxes, interest and penalties; (3) The defendant shall pay a special assessment fee of \$200.00 (satisfied); (4) The defendant shall pay restitution on the amount of \$31,519.80 (satisfied).

On April 25, 2008, the defendant was released from the custody of the Bureau of Prisons to the Western District of North Carolina where his term of supervised release commenced. As of this writing, the defendant has been steadily in compliance with the terms and conditions set forth by the Court. In that, the defendant has satisfied two of the three special conditions imposed by the Court and has committed no violation while on supervised release. As a result of Mr. Roth's continuous compliance, on July 7, 2009, the defendant's Western District of North Carolina case (3:06CR3-01) was transferred to Low Intensity Supervision. Aside from this, the defendant has made efforts to become a productive member of his community. Mr. Roth has maintained residency in the Waxhaw, North Carolina area since the commencement of his term of supervised release. Furthermore, since October 28, 2008, the defendant has been employed full-time with the United Provider Network.

Mr. Roth has requested to travel outside of the United States to Aruba for the purpose of vacationing with his wife. His itinerary outlines a departure date of June 24, 2010 from Charlotte, North Carolina via American Airlines with a connecting


flight from Miami International Airport to Aruba. The defendant has indicated to me that he will return back to Charlotte, North Carolina on June 27, 2010.

Our office has no objection to this proposed travel request. The defendant has demonstrated the ability and interest to comply with the terms and conditions set forth by the Court. For this reason, I respectfully recommend that Mr. Roth be granted the opportunity to travel with his wife during, and to, the proposed dates and location.

Thank you for your attention in this matter. Should Your Honor have any questions, please contact my office at 704-350-7680.

- ☒ Permission to Travel Approved
- ☐ Permission to Travel Denied
- ☐ Other

6-22-10
Date


Signature of Judicial Officer